

REMARKS

The Final Office Action mailed July 10, 2008 considered claims 1, 3-8, 10, 12-15 and 17-24. Claims 1, 3, 4, 6, 7, 10, 12, 13, 14, 15, 17, 18-22, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin (US 4,992,940) hereinafter *Dworkin*, in view of Rossides (US 5,359,508) hereinafter *Rossides*. Claims 5, 8, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Dworkin* in view of Singh (US 2001/0047311) hereinafter *Singh*.¹

By this response, claims 1, 12, 13, 18, and 19 are amended. Claims 1, 3-8, 10, 12-15, and 17-24 remain pending of which claims 1, 18, and 19 are independent.

The present invention is directed to embodiments for updating business partner attributes in a business process without having to recompile the business process application each time an update occurs. In this context, a business process refers to a process of a web service such as a process defined in the business process execution language.² Conventional business process applications require a user to program the partner information directly into the business process application. See Spec., pg. 1, ¶ 2. Therefore, when any update was made to the partner information, the business process application would have to be recompiled before the updates would be included.³

By implementing the present invention, partner information is maintained outside of the business process application. Therefore, updates may be made to the partner information without updating the application. Therefore, there is no need to recompile the application when partner information is updated. The method of claim 1 illustrates this process. First, an execution engine accesses the compiled business process application. This application includes selection criteria but does not include the business partner attributes. The execution engine also accesses a separate list of business partner attributes. Using the selection criteria, the execution engine selects a first business partner that has attributes that match the section criteria. Next, an attribute of the first business partner is updated in the separate list without modifying the compiled application. Finally, without

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² For an explanation of BPEL and business processes, see A Hands-on Introduction to BPEL, available at http://www.oracle.com/technology/pub/articles/matjaz_bpel1.html.

³ For an example of how partner information is included directly in the business process, see the above referenced webpage in the section entitled "Step 3: Define Partner Link Types."

recompiling the application, the execution engine uses the selection criteria to select the first business partner based on the updated attribute. When the first business partner is selected, a notification is then sent to the first business partner indicating that it has been selected. Claim 18, a computer readable storage medium claim, and claim 19, a system claim, both contain similar limitations.

Section 101 Rejection

With respect to claims 1-17, under current PTO interpretations of section 101, a computer process is unpatentable only if it is not tied to a particular machine. The claims recite a computer-implemented method for dynamically managing business partners in a system that includes a business process application. A computer that includes a business process application is a particular machine. *See, e.g. Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *see also Wasynczuk*, BPAI Slip Op. at 22 (finding a physical computing device to be a particular apparatus to which the process was tied). Therefore, claims 1-17 meet the PTO's test for patentable subject matter as a process tied to a particular machine.

With respect to claims 18-24, functional descriptive material is patentable when recorded on a computer-readable medium. Claim 18 recites a "computer readable storage medium containing stored computer-executable instructions for causing a computer device to perform a method." Similarly, claims 19-24 recite "memory storing computer-executable instructions which when executed by the processor perform a method." These instructions are clearly functional because they cause the computer to perform a method. Since the instructions are recorded on a computer readable medium, they are statutory subject matter. *See* MPEP § 2106.01. Therefore, Applicant submits that these rejections are overcome.

Section 112 Rejection

Each of the claims was rejected for failing to comply with the written description requirement for containing the limitation: "automatically and without user intervention." This limitation has been removed. Therefore, Applicant submits that this rejection is overcome.

Prior Art Rejections

Each of the claims was rejected as detailed above. In view of the current amendments, however, Applicant submits that these references fail to teach or suggest each limitation of the independent claims.

Each of Dworkin, Rossides, and Singh fails to disclose a business process as described above. Therefore, each reference fails to teach or suggest the limitations of the independent claims which require the execution of a business process.

Specifically, because the references do not disclose a business process, they fail to teach or suggest "the business process execution engine accessing a compiled business process application that includes selection criteria for selecting business partners but that does not include business partner attributes, the selection criteria indicating attributes that a business partner is to include to match the selection criteria," "subsequent to selecting the first business partner, updating an attribute of the first business partner in the separate list such that the attribute update is made without modifying the compiled business process application," and "subsequent to modifying the attribute and without recompiling the compiled business process application, the business process execution engine utilizing the selection criteria in the compiled business process application and the updated attribute in the separate list to select the first business partner," as claimed in combination with the remaining limitations. As explained above, prior art approaches included the business partner attributes in the business process, and as a result, each time the attributes were updated, the business process had to be recompiled. Because each of the cited references does not address business processes, each is unrelated to this problem and to the presently claimed invention.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 10th day of October, 2008.

Respectfully submitted,



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